



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission February 3, 2016

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 6:02pm, Wednesday, February 3, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Vice-Chairman Mark Jenkins. Also present were Commissioners Annie Davis and Scott Johnson. Staff Present: Principal Planner Mark Doering and Deputy Town Clerk Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Vice-Chairman Jenkins led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Jenkins called for approval of the agenda. **Motion #1** by Davis seconded by Johnson to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the January 20, 2016 minutes. **Motion #2** was seconded by Johnson. Motion carried.

PUBLIC COMMENT

Jenkins opened the public comment portion of the hearing at 6:03pm. With no comments received, the public comment portion of the hearing was closed at 6:03pm.

NEW BUSINESS

Mick / Hsu Subdivision

Doering explained that the applicants had submitted a minor subdivision Final Plat that would create three legal residential lots on the properties currently addressed as 501 and 505 South Railroad Street, in the R-2 zone. They were seeking to rectify illegal subdivisions made by previous property owners, who had circumvented the town's subdivision process by having legal descriptions of unapproved lots recorded by the County. No additional public improvements would be needed to serve the third lot, and there are existing homes on two of the three lots. The lots in question are located at the very northern edge of the Airport Protection Overlay (APO) zone, and all are bordered to some extent by floodplain/floodway.

Doering went through the review criteria for a minor subdivision, noting that the development conforms to the town's subdivision and zoning ordinances, and that adequate utility service is available to all three lots. In addition, proper easements already exist or, in the case of the required avigation easement, are created by the Final Plat. Proper drainage control has also been demonstrated.

Doering wrapped up his presentation by stating that staff recommends approval of the application with the following conditions:

- 1) prior to recordation of the Final Plat, the Final Plat drawings shall be corrected to include the 100-year floodplain and floodway on the properties;
- 2) prior to recordation of the Final Plat, an avigation easement on the properties shall be prepared to the satisfaction of the Principal Planner, signed and recorded with the plat; and
- 3) if the application fee is not waived by the Board of Trustees, the applicant shall pay the application fee with the associated required recording fees prior to recordation of the plat.

Applicant Samuel Mick of 501 South Railroad St was present in the audience and rose to speak. He said that he and the other applicants, Danny and Heather Hsu, were not to blame for the situation and that he had pulled various permits over the years but no one from the town had ever noticed the illegal subdivision. Only when he attempted to sell Lot 3 to the Hsus did town staff become aware of the problem. He maintained that he should not have to pay the application fee as he has already borne the cost of hiring a surveyor to prepare the Final Plat. Doering reiterated the need to have the surveyor include the floodplain/floodway on the plat. In response to a question from the Commission about Mick's driveway, which runs from Railroad St through the Hsus' property to Mick's house, Doering stated that the driveway is located in a recorded easement and therefore will not cause any problems with the property in the future.

Applicant Heather Hsu of 505 South Railroad St stood to say that she supported Mick's request to waive the application fee. She also drew attention to two errors on the Final Plat that need to be corrected: there will be no lien holder on Lot 3, and Danny Hsu's name needs to have a 'Jr.' added to it.

Jenkins closed the public hearing after ascertaining that the applicants had concluded their remarks. Johnson asked about the size of the application fee, and Doering replied that the fee for a minor subdivision is \$300. Commissioners agreed that as the applicants were not responsible for the illegal subdivision, they should not be required to pay the town to get the problem fixed.

Davis motioned to recommend that the Board of Trustees approve the Mick / Hsu minor subdivision Final Plat to create three residential lots on the property, subject to the conditions listed on page 4 of the staff report [cited at the top of this page], and additionally to recommend that the application fee be waived. Johnson seconded **Motion #3** and it passed unanimously.

Doering gave the applicants a copy of the Avigation Easement Agreement and stated that he would also forward one to the surveyor.

STAFF / COMMISSION INTERACTION

Doering stated that he has come across a handful of cases in Buena Vista like the one being rectified by the Mick / Hsu subdivision, and that the Planning Department will clean up similar issues as developers come in with applications pertaining to affected properties. Johnson asked if the town can proactively fix these problems; Doering responded that he has no authority to go out and compel property owners to bring their land into conformance with town Code, so he has to wait until some kind of development project is initiated by these land owners before insisting on compliance. He also indicated that Module 2 of the Unified Development Code rewrite would include provision for a Correction Plat application process to be used in such cases, which will be both less cumbersome and less expensive than the minor subdivision process.

Doering then informed the Commission that the Board of Trustees would be discussing Planning application processes as part of its February 9 meeting, and that town staff should receive the initial draft

of Module 2 of the UDC rewrite (which pertains to processes) from the consultants at the end of the week. This Module will go to the Steering Committee in March, and the project should be completed in the spring. In addition, Scott Reynolds has been promoted to Planner I and the town is currently working to fill the now-vacant Planning Technician position.

In response to questions from Commissioners, Doering briefly discussed the difference between floodway and floodplain, and the requirements that go along with avigation easements (generally they stipulate a height restriction on anything located in the APO and forbid property owners from transmitting anything that would interfere with the functions of an aircraft).

Davis remarked that she found the land use meeting with the Trustees on January 26 to have been a good one, and that she appreciated being able to exchange ideas with Board members and to learn where they stand on various issues. Doering stated that he believes there will be an ongoing debate about short-term vs. long-term rentals and that the town may eventually have to step in if short-term rentals become too great a percentage of available housing stock. Jenkins asked whether there would be other opportunities to develop affordable housing in town, given that a sizeable project intended to do just that fell through in 2015. Doering replied that he thought other projects would be brought to the table at some point. He also let the Commission know that there would be a meeting on the evening of February 4 between representatives of Chaffee County, Buena Vista, Salida, and Poncha Springs to discuss the possibility of forming a local Housing Authority. Its purpose would be to address issues such as the pressing need for affordable housing in the area.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Johnson motioned to adjourn the meeting at 6:59pm. Commissioner Davis seconded. **Motion #4** was unanimously approved.

Respectfully submitted:



Mark Jenkins, Vice-Chairman



Melanie Jacobs, Deputy Town Clerk